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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,703	07/10/2006	Michael John Watchorn	37389-405-400	3884
27717 7590 12/16/2009 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER HARTMANN, GARY S				
ART UNIT 3671		PAPER NUMBER		
MAIL DATE 12/16/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,703

Applicant(s)

WATCHORN ET AL.

Examiner

Gary Hartmann

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 7-44 and 50-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 45-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Smedal (U.S. Patent 4,369,538).

Smedal discloses a method of providing access between marine structures including positioning structures (4 and 14) proximate one another. There is a gangway (1, 10) attached to a guide wire (7) via a slidable fixing (Figures 1 and 4, for example). The guide wire is extended from the first marine structure (4) and attached to the second marine structure (14). The gangway is moved to a use condition by sliding (column 2, lines 3-34). While Smedal teaches the second marine structure to be the structure which is positioned, there is no patentable distinction regarding which structure is positioned.

There is a runway (1, 3) upon which the gangway is slid along.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smedal, as applied above.

As discussed above, it is the second marine structure which uses the step of positioning. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned either marine structure in order to suit a particular application. Similarly, regarding claims 5, 6, 48 and 49, there is no patentable distinction in this instance if the marine structures are fixed or vessels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Smedal on any marine structure regardless of if it was fixed or a vessel in order to obtain access between the structures. In other words, Smedal could function on any marine structure.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smedal, as applied above, and further in view of Petit (U.S. Patent 6,418,582).

Smedal does not teach an inflatable member. Petit teaches inflating a bellows in order to expand the bellows in a longitudinal direction. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have inflated the bellows of Smedal. Note that this action would meet claim recitations.

Response to Arguments

Applicant's arguments filed 03 November 2009 have been fully considered but they are not persuasive. As discussed in the first full paragraph in column 3 of Smedal, lines 11 and 7 are

first attached to a vessel and the bellows “containing a walkway” are subsequently brought to the vessel. This meets claim recitations regarding the slidable fixings, since the bellows are moved (i.e., slid) along the guide wires. In other words, in order to slide the bellows along the guide wires, the bellows must be fixed thereto. This is all that is required to meet the broadly recited term “slidable fixings.” Additionally, because the bellows contain a walkway, it is within the scope of the term “gangway” and has been properly treated in this manner. The argument that the wires along which the bellows are guided are not within the scope of guide wires is not understood. The bellows are extended there along; therefore, the device is within the scope of the claim recitations.

Regarding applicant’s challenge to the Official notice, Petit has been added to demonstrate that the examiner’s assertion regarding ordinary skill was correct.

Applicant’s arguments regarding the marine structures is not persuasive. Note that Smedal specifically equates stationary platforms and vessels (abstract). This is sufficient for one skilled in the art to have considered positioning the structure of Smedal as claimed. Certainly, applicant has not invented the transfer of personnel or goods between vessels and is not entitled a patent for this.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/
Primary Examiner, Art Unit 3671